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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,633	02/08/2000	Young-Soon Cho	0630-0981P	1525

7590 08/19/2004

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EXAMINER
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REAGAN, JAMES A

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/499,633

Applicant(s)

CHO ET AL.

Examiner

James A. Reagan

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 19-22, 24-26, 28, 29 and 31-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 19-22, 24-26, 28, 29 and 31-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in response to the amendment received on 14 June 2004.
2. Claims 23, 27, and 30 have been cancelled.
3. Claims 1, 24-26, 28, 29, and 31-33 have been amended.
4. Claims 37-39 are new.
5. Claims 1-4, 19-22, 24-26, 28-29, and 31-39 have been examined.
6. The rejections of claims 1-4, 19-22, 24-26, 28-29, and 31-36 have been updated to reflect amended limitations.
7. The rejections of claims 37-39 are new.

### **RESPONSE TO ARGUMENTS**

8. Applicant's arguments received on have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.
9. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 103**

- 10.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 11.** Claims 1-4, 19-22, 24-26, 28-29, and 31-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneck et al, (US 5,933,498), in view of Akiyama et al. (US 5,784,464 A).

**Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures apply as well. It is requested from the Applicant, in preparing the response, to consider fully the entire references as well as the context of all reference passages as potentially teaching all or part of the claimed inventions.

**Claim 1:**

Schneck, as shown, discloses the following limitations:

- *a digital data playing device for receiving the encrypted digital data file, storing the encrypted digital data file in a data storage medium, and decrypting the stored digital data file using an encryption key (see at least Fig 8; Col 15, lines 19-38; Figs 9-12),*

- *the encryption key is generated in the digital data playing device on the basis of a unique identification number of the data storage medium or an identification number of the digital data playing device (see at least Col 14, lines 32-50).*

Schneck does not specifically disclose that the data storage medium is a removable medium. Akiyama, however, in at least column 5, lines 31-43 discloses a removable disc device attached to a personal computer. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Schneck with Akiyama because removable storage media are well-established method for transferring digital files.

**Claims 2, 19, 25, 28, and 34:**

Schneck teaches that effective protection of the data may be accomplished by encrypting the data and rules governing its access using one or more encryption keys, each generated by using unique IDs associated with the product distributed, its storage medium, player device, end user, product publisher, and/or any combination of these numbers. In addition, Schneck, in at least Figure 7 and associated text discloses basing an encryption key on a serial number, essentially disclosing basing the encryption key on manufacturer data or combinations thereof. Schneck does not specifically disclose a second encryption key, but Akiyama does (see at least column 11, lines 43-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Schneck with Akiyama because such an embodiment would specifically control access to data being distributed, according to each specific user or class of user (each user having bought a player device from a specific manufacturer, each such player uniquely identified by its serial number).

**Claims 3, 20, 26, and 29:**

As the references cited above show, Schneck/Akiyama disclose that encryption keys used in his system may be derived using many different, well known encryption algorithms.

Using additional arbitrary values in such encryption algorithms (i.e. semi-random or random numbers) is well known within the art. Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made that a system could have been set up with the encryption key further including an arbitrarily set value, for the purpose of making the transmitted encrypted data harder to crack thus better protected.

**Claims 4 and 21:**

Schneck discloses that the playing device in his system may be configured so that all data is protected by encryption within an "access mechanism" (Figs 8, 9, 10b, 11; Col 15, line 19 - Col 17, line 33). Schneck does not specifically disclose *a processor for decrypting a previously encrypted digital data file and reproducing the digital data file, or re-encrypting the decrypted digital data file using the encryption key and transmitting the re-encrypted digital data file to the digital data playing device*. Akiyama, however, in at least column 7, lines 1-11 discloses re-encryption of data files. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Schneck with Akiyama because this would further protect the data from being misused or illegally intercepted, copied, or transmitted at the user's end.

**Claims 22, 31, and 35:**

Schneck does not specifically recite that *the digital data playing device is an MP3 player*. However, Schneck does disclose that any type of digital data may be used in his system (Col 11, lines 50-58). Therefore it would have been obvious that MP3, a compressed digital audio file format, would inherently be included in the data that could be protected and used in a system based on Schneck's invention.

**Claims 24 and 33:**

The limitations of claims 24 and 33 are substantially equivalent to the limitations cited above, and are therefore rejected on the same grounds.

**Claims 32, 36, and 37:**

See the rejections of claim 1 above.

**Claims 38 and 39:**

The limitations of claims 38 and 39 are substantially equivalent to the limitations cited above, and are therefore rejected on the same grounds.

**Conclusion**

- 12.** Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
- 13.** A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A. Reagan** whose telephone number is **(703) 306-9131**. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 305-3900**.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

or faxed to:

**(703) 305-7687** [Official communications; including

After Final communications labeled "Box AF"]

**(703) 308-1396** [Informal/Draft communications, labeled "PROPOSED"

or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

JAR  
12 August 2004



**JAMES P. TRAMMELL  
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